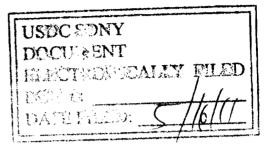
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
In re REFCO, INC. SECURITIES : LITIGATION :
This Document Relates to:
MARC S. KIRSCHNER, : as Trustee of the Refco Private Actions Trust, :
Plaintiff, :
-vs- :
PHILLIP R. BENNETT, SANTO C. MAGGIO, ROBERT C. TROSTEN, MAYER, BROWN, ROWE & MAW, LLP, GRANT THORNTON LLP, and ERNST & YOUNG U.S. LLP,
Defendants.
Defendants. :
Defendants. : : : : : : : : : : : : : : : : : : :
: X :
: X GRANT THORNTON LLP, : :
GRANT THORNTON LLP, Defendant/ Third-Party Plaintiff, :
GRANT THORNTON LLP, Defendant/ Third-Party Plaintiff, -vs- THOMAS H. LEE PARTNERS, L.P.; THL EQUITY ADVISORS V, LLC; THL MANAGERS V, LLC; THOMAS H. LEE EQUITY FUND V, L.P.; THOMAS H. LEE PARALLEL FUND V, L.P., THOMAS H. LEE EQUITY (CAYMAN) FUND V, L.P., THOMAS H. LEE; DAVID V. HARKINS;

07 MDL 1902 (JSR)



Case No. 07 Civ. 8165 (JSR)

<u>ORDER</u>

JED S. RAKOFF, U.S.D.J.

On February 14, 2011, Special Master Daniel J. Capra issued a Report and

Recommendation recommending rejection of Grant Thornton's argument that the Amended

Complaint be dismissed for lack of standing. The only objection to the February 14, 2011

Report and Recommendation was filed by the Krys Plaintiffs, who are not parties to the above-

captioned action. Moreover, the Court subsequently granted the relief sought by the Krys

Plaintiffs in its May 3, 2011 Memorandum Order, which specified that the Refco Fraud claims

dismissed without prejudice in the Court's March 30, 2010 Order may now be revived.

Accordingly, during the May 10, 2011 status conference, the Court confirmed with all litigants

involved in the In re Refco multi-district litigation that there are no live issues pending before the

Court with respect to the Special Master's February 14, 2011 Report and Recommendation. This

written Order therefore clarifies and confirms that the Court adopts the February 14, 2011 Report

and Recommendation in all respects.

SO ORDERED.

JEÓS. RAKOFF, Ú.S.D.J.

Dated:

New York, New York

May **13**, 2011